

[22 March, 2001]

RAJYA SABHA

that the entire receipt from disinvestment and privatisation will be used for meeting expenditure in social sectors, restructuring of PSUs and retiring public debt. The expenditure in social sectors would create additional employment opportunities.

### **Engagement of contract Labour**

2959. SHRI K.B. KRISHNA MURTHY: Will the Minister of LABOUR be pleased to state:

(a) whether there has been growing tendency on the part of industrial houses and even Public Sector Undertakings to engage workmen on 'Contract Labour\* basis;

(b) whether according to the Industrial Disputes Act in force, such workmen under 'Contract' labour are eligible for pay scale, perks and terminal benefits enjoyed by the regular workforce on company's/ PSU's direct payroll; and

(c) whether Government have issued any directives to the labour contractors including the security agencies to extend the same facilities to their workmen including pay scales/perks as applicable under the Minimum Wages Act and the ID Act?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LALL): (a) to (c) The Government is aware that there has been reported increase in engagement of contract labour. The Contract Labour (Regulation and Abolition) Act, 1970 has been enacted primarily with a view to safeguard the rights and privileges of the contract workers and prevent their exploitation.

The Contract Labour (Regulation and Abolition) Central Rules, 1971 provides under Rule 25(2)(v)(a) that the wages and other conditions of service of contract labour shall be the same as that of regular employees if the contract workers perform the same or similar nature of work. In the light of the ruling of the Hon'ble Supreme Court in *Air India Statutory Corporation vs. United Labour Union and Others* in December, 1996, the establishments engaging contract labour in a process/work/job are under an obligation to absorb contract labour on regular basis wherever the "Appropriate

Government" by way of notification made under Section 10 of this Act have prohibited engagement of contract labour in such process/ work/job in those establishments.

The provisions of the Industrial Disputes Act apply to workers appointed on contract basis directly by the Principal Employer whereas the Contract Labour (Regulation & Abolition), Act 1970 applies to contract workers engaged through a contractor or subcontractor. The licensing authorities while granting a licence to the contractors bring to their notice the provisions of the Act and the rules with regard to wages and other facilities to be extended to the contract labour as a condition of the licence.

### **Child labourers in hazardous industry**

2960. SHRI K.M. KHAN: Will the Minister of LABOUR be pleased to state:

- (a) the number of child labourers still working in the hazardous industries;
- (b) what efforts are being made to modify and improve the existing National Child Labour Project; and
- (c) how many children have been benefited under the National Child Labour Project and the State-wise details for coverage of the same in the country?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LALL): (a) Authentic information on child labour in the country is generated during the decennial Census. According to the 1991 Census, the number of working children in India is 11.28 million. Sector-wise number of working children are not maintained.

(b) Evaluation of identified NCLPs was undertaken by evaluation agencies, Inter-Ministerial teams and is also continuously monitored through periodical reports and reviews at the Centre, State and District levels. A Central Monitoring Committee, under the Chairmanship of Labour Secretary, has also been set up for the overall supervision, monitoring and evaluation of the NCLPs. The